

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 10/7/2024
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LIANHUA DONG,

Plaintiff,

-against-

UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES,

Defendant.

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GREGORY H. WOODS, United States District Judge:

1:24-cv-7248-GHW

ORDER

Plaintiff commenced this action on September 25, 2024, alleging that Defendant has failed to timely adjudicate her asylum application in violation of the Immigration and Nationality Act and the Administrative Procedure Act. Dkt. No. 1, Compl. ¶¶ 13–16. The complaint alleges that venue is proper in this district pursuant to 28 U.S.C. § 1391(e) “in that Defendant is a resident of Queens, NY and this legal matter took place in proximity to the federal courthouse in the southern district of New York.” *Id.* ¶ 3.


Because Plaintiff resides at “144–50 35th Avenue, Apt.3C, Flushing, NY 11354,” *id.* ¶ 4, and Plaintiff filed her asylum applications with Defendant’s office in Bethpage, New York, *id.* ¶ 1, neither location being in this District, the Court issued an order to show cause as to why this case should not be transferred to the Eastern District of New York on September 27, 2024. Dkt. No. 5. In that order, the Court noted that there are no allegations in the complaint describing the occurrence of events or the residence of any defendant in the Southern District of New York. *See* 28 U.S.C. § 112(b). Finally, the order gave Plaintiff until no later than October 7, 2024 to show cause as to why the case should not be transferred to the Eastern District of New York (or to consent to transfer). *See* 28 U.S.C. § 1406(a).

On October 7, 2024, Plaintiff filed a letter consenting to transfer of venue to the Eastern District of New York. Dkt. No. 6. Because Plaintiff consents and the interest of justice weighs in favor of transferring the case to the district that encompasses the court identified as the proper venue, this case is hereby transferred under 28 U.S.C. § 1406(a) to the Eastern District of New York.

The Clerk of Court is directed to transfer this case to the Eastern District of New York without delay. Plaintiff is directed to serve a copy of this order on Defendant and to retain proof of service.

SO ORDERED.

Dated: October 7, 2024
New York, New York



GREGORY H. WOODS
United States District Judge